# [CH] Reception Charges also Apply to Households with ADSL Connection or Clock Radio

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In a decision delivered on 21 December 2009, the *Tribunal Administratif Fédéral* (federal administrative court - TAF) looked into the question of whether the charge for receiving radio and television programmes still had to be paid when a person with an ADSL connection or a clock radio stated that these were not used for listening to the radio. Article 68 (1) of the Federal Radio and Television Act (LRTV) provides that anyone installing or operating a device intended for receiving radio and television programmes (a receiver) must pay a reception charge. Reception charges are payable per household, not per appliance. Families, couples or people living together pay the charge once only.

The TAF recalled firstly that the reception charge was due even if some programmes, either Swiss or foreign, could not be received or were of poor quality. It was therefore payable by anyone with a radio or television on which programmes could be received, regardless of whether the person with the radio or television used it, and if so, how and how much. The obligation to pay the charge began on the first day of the month following the installation of the receiver or the start of operation and ended on the last day of the month in which the receiver ceased to be used or ceased to be in place, but not before the end of the month in which this was announced to the body receiving the charge.

According to the TAF, the text of Article 68 (1) of the LRTV expresses clearly the idea that the State does not wish to, and cannot, check whether anyone who has the necessary means of receiving radio programmes does in fact listen to them or not. As a result, even if the members of a household state that they do not listen to the radio in their home, the mere fact of installing receivers incurred liability to pay the charge, even if they were intended for purposes other than listening to the radio. As a result, it did not matter whether a person who owned an appliance allowing reception of radio programmes used it or not.

Thus the TAF judged that households with an ADSL connection and specific software making it possible to receive radio or television programmes were liable to pay the charge. Similarly, the presence of a clock radio in the living room, regardless of whether the device was in fact only used for telling the time, also justified payment of the reception charge.

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## *Arrêt n° A-2182/2009 du Tribunal administratif fédéral du 21 décembre 2009*

*Decision No. A-2182/2009 of the Federal Administrative Court on 21 December 2009*

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